

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

FIDELITY AND DEPOSIT COMPANY	)	
OF MARYLAND, a Maryland corporation,	)	
	)	
Plaintiff,	)	Case No. 13-CV-1291-LA
	)	
v.	)	Judge Adelman
	)	
EDWARD E. GILLEN COMPANY,	)	
GARY A. JACKSON, JULLANE J.	)	
JACKSON, and DLH CONSTRUCTION	)	
AND TRUCKING, INC.,	)	
	)	
Defendants.	)	

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**AFFIDAVIT OF CORNELIUS F. RIORDAN IN SUPPORT OF CROSS-MOTION FOR  
SUMMARY JUDGMENT OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
AND IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT  
OF EDWARD E. GILLEN CO.**

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I, Cornelius F. Riordan, pursuant to 28 USC §1746, declare that attached hereto are true and correct copies of the following:

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| Exhibit 1 | Edward E. Gillen Co.'s and DLH Construction and Trucking, Inc.'s Answer and Affirmative Defenses to Second Amended Complaint of Kindra Lake Towing, LP to Enforce Mechanics Lien and for Other Relief. Filed in Case No.: 2012 CH 17679 - Kindra Lake Towing, et al., vs. Paschen Gillen Skipper Marine Joint Venture, et al., on August 15, 2016. |
| Exhibit 2 | Deposition Transcript of Jullane Jackson. Taken in Case No.: 2012 CH 00417 - Paschen Gillen Skipper Marine Joint Venture, et al., vs. Edward E. Gillen, on September 30, 2016.   |
| Exhibit 3 | Defendant Edward E. Gillen Company's Answer to Plaintiff's Complaint to Enforce Mechanics Lien and for Other Relief. Filed in Case No.: 2012 CH 17668 - Kindra Marine Terminal, Inc., et al., vs. Paschen Gillen Skipper Marine Joint Venture, et al., on June 11, 2012. (without exhibit)   |

- Exhibit 4 Defendants Gillen Company and DLH Construction's Verified Answer and Affirmative Defenses to Amended Complaint and Counterclaim of Gillen Company Against the Joint Venture. Filed in Case No.: 2012 CH 22630 - Basic Towing, Inc., et al., vs. Paschen Gillen Skipper Marine Joint Venture, et al., on November 20, 2015. (without exhibit)
- Exhibit 5 Defendant Edward E. Gillen Company's Verified Answer to Plaintiff Central Boat Rentals, Inc.'s Amended Complaint. Filed in Case No.: 2012 CH 35980 - Central Boat Rentals, Inc., et al., vs. Paschen Gillen Skipper Marine Joint Venture, et al., on November 15, 2016. (without exhibits)
- Exhibit 6 Defendant DLH Construction and trucking, Inc.'s Answer to Plaintiff's Verified Complaint to Foreclose on Public Funds and for Other Relief. Filed in Case No.: 2012 CH 16709 - Kiel Sand & Gravel, Inc., vs. DLH Construction and Trucking, Inc., et al., on June 11, 2012. (without exhibits)
- Exhibit 7 Deposition Transcript of Thomas Homer. Taken in Case No.: 2013 CV 1291 - Fidelity and Deposit Company of Maryland vs. Edward E. Gillen Company, et al., on May 9, 2017.
- Exhibit 8 Deposition Transcript of DM Studler. Taken in Case No.: 2013 CV 1291 - Fidelity and Deposit Company of Maryland vs. Edward E. Gillen Company, et al., on September 4, 2015.
- Exhibit 9 Deposition Transcript of Lawrence A. Michael. Taken in Case No.: 2013 CV 1291 - Fidelity and Deposit Company of Maryland vs. Edward E. Gillen Company, et al., on August 4, 2015.
- Exhibit 10 Transcript of Testimony of Marta Drost. Taken in Case No.: 2013 CV 1291 - Fidelity and Deposit Company of Maryland vs. Edward E. Gillen Company, et al., on June 28, 2017.

I have personal knowledge of the foregoing and if called as a witness to testify at trial to the matters herein I would competently testify thereto. Further affiant sayeth not.

Date: November 22, 2017

/s/ Cornelius F. Riordan

Cornelius F. Riordan (IL ARDC #2342634)

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